

To: Matsumoto, Kimi[Matsumoto.Kimi@epa.gov]
Cc: Logan, Paul[Logan.Paul@epa.gov]; Ward, W. Robert[Ward.Robert@epa.gov]
From: Boydston, Michael
Sent: Wed 1/29/2014 7:14:20 PM
Subject: FW: Deadline: Feb 3rd: QFR's from Administrator McCarthy's hearing before the U.S. House Committee on Science, Space, and Technology
[AdminMcCarthyQFRsHSST012314 - OCR.pdf](#)

Hi Kimi – I was focused on the Libby FOIA question for me , and didn't see the Pavillion reference until now. See questions 5 and 6 on p. 2 of the PDF; there are also references to Pavillion on p. 22 and 23.

Michael Boydston

Associate Regional Counsel

EPA Region 8

303.312.7103

From: McKean, Deborah
Sent: Monday, January 27, 2014 7:52 AM
To: Benson, Bob; Berry, David
Cc: Hestmark, Martin; Stavnes, Sandra; Murray, Bill; Christensen, Stanley; Thomas, Rebecca; Ross, Lorraine; Boydston, Michael; Schmit, Ayn
Subject: FW: Deadline: Feb 3rd: QFR's from Administrator McCarthy's hearing before the U.S. House Committee on Science, Space, and Technology
Importance: High

Bob and David:

Please see the attached. Apparently there were questions posed by Congress to Gina McCarthy in December regarding Libby and the RfC. The responses are due to HQ before Feb 3. There are two Libby questions that require our assistance to HQ. One regards the FOIA on the UC data – so, I also need help from legal. That's why I have cc'd Lorraine and Mike. The other regards the issue of pleural plaques and their use in the derivation of the LA RfC. We need to get together today to discuss both of these questions.

I have also cc'd Ayn. You should note some questions regarding HF, specifically Pavillion and the status of the Draft Report. Do not know if you are already involved in this response or if ORD has taken the lead due to the additional questions on the Nat HF Report.

Deborah McKean, Ph.D.

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"Our problems are manmade — therefore, they can be solved by man.... For, in the final analysis, our most basic common link is that we all inhabit this planet. We all breathe the same air. We all cherish our children's future. And we are all mortal."

JF Kennedy

From: Bussard, David

Sent: Friday, January 24, 2014 3:05 PM

To: Sonawane, Bob; McKean, Deborah

Cc: Ross, Mary

Subject: FW: Deadline: Feb 3rd: QFR's from Administrator McCarthy's hearing before the U.S. House Committee on Science, Space, and Technology

Importance: High

Deb,

It would be useful to me to get the facts down on paper re question 3 from Paul Broun. I assume Region 8 and ORD should work together on a response. I don't yet have much guidance as to how brief or long they want responses to be. But, I think Region 8 has more of the direct knowledge that is relevant. I could use some talking points from the Region on the facts of the situation — I don't recall if

that has already been pulled together for other purposes, such as FOIA request.

Can you also let us know if by any chance a request went to the Region to draft an answer – let's avoid duplication of effort.

Re question 4, we can all work together on how best to respond to question 4, and I don't think I need information to discuss that.

Thanks

David

The text of questions 3 and 4 will be pasted in below: You can also see it starting on the 14th page of the attachment.

3. As EPA prepared to conduct a non-cancer toxicity assessment of Asbestos, it arranged by contract for development of additional data as “for development of the most accurate RfC for the Libby site.” This included advanced radiographic imaging and pulmonary function data from a population from which the RfC would be derived. The new data were obtained from the University of Cincinnati as planned, but after several years remained undisclosed by the federal government. EPA has neither revealed the data nor explained why it chose to prepare its draft toxicity assessment without disclosure of underlying data that was sought by EPA to ensure the accuracy of the RfC.

- Please explain how EPA reconciles not disclosing the above data with its commitment to transparency and the NRC recommendation and the disclosure directives of FOIA and OMB Circular No. A-1. EPA expresses the policy that the open and efficient exchange of scientific government information supports the operation of democracy and that scientific research.
- If EPA asserts that it does not possess or have access to any portion of the data in this instance because the funding mechanism changed and someone else has the data, explain:
 - a. In the interests of transparency and sound science, why did EPA not affirmatively obtain for its own use the data during RfC development, especially since EPA had described the data as needed to develop the most accurate RfC.”
 - b. Which governmental agencies provided funding for the data?
- We understand that EPA received a Freedom of Information Act exemption for the above data, and subsequently withheld a portion of the data from the deliberative process privilege. EPA explained by letter of November 1, 2011, that it withheld the data because:

*were considered in
Amphibole Asbest
finalization of this
records were not c
withheld material
before they are fin
disclosing reasons
the grounds for EF*

We further understand that
scientific information and
the underlying data to pub
Health and Human Servs.,
of this, please explain how
of data, and whether the d

From: Deener, Kathleen
Sent: Friday, January 24, 2014 1:46 PM
To: Bussard, David
Cc: Ross, Mary
Subject: FW: Deadline: Feb 3rd: QFR's from Administrator McCarthy's hearing before the U.S. House Committee on Science, Space, and Technology
Importance: High

Hi David – sharing these QFRs with you because I will need your help on a few related to the Libby assessment. I'm scheduling a meeting for early next week to discuss these with a small group. I'll include you on the invitation.

Kacee Deener, MPH

Communications Director

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From: Deener, Kathleen
Sent: Thursday, January 23, 2014 11:28 AM
To: Olden, Kenneth; Walsh, Debra; Vandenberg, John; Frithsen, Jeff; Flowers, Lynn; Cogliano, Vincent; Perovich, Gina
Subject: Fw: Deadline: Feb 3rd: QFR's from Administrator McCarthy's hearing before the U.S. House Committee on Science, Space, and Technology
Importance: High

Heads up -- we just got some more QFRs (from a Nov. hearing with Gina McCarthy). I'll go through and develop a first draft of our responses, which I'll circulate by COB tomorrow.

These are due to the IOAA on Feb. 3.

From: Piantanida, David

Sent: Thursday, January 23, 2014 11:10:20 AM

To: Deener, Kathleen; Briskin, Jeanne; Hauchman, Fred; Greene, Mary

Cc: Burden, Susan; Calamai, Ann; Gibbons, Dayna; Blackburn, Elizabeth; Wagner, Katie; Vandenberg, John; Zambrana, Jose; Lan, Alexis; Mazur, Sarah; Kadel, Lek; Kavlock, Robert; Trovato, Ramona; Matthews, Lisa

Subject: Deadline: Feb 3rd: QFR's from Administrator McCarthy's hearing before the U.S. House Committee on Science, Space, and Technology

Hello OSA, OSP and NCEA:

Attached are the QFR's from Administrator McCarthy's hearing before the U.S. House Committee on Science, Space, and Technology on November 14, 2012. You'll notice that the QFR's are separated by subject area.

The questions are from Rep. Lamar Smith (R-TX), Rep. Paul Broun (R-GA), Rep. Larry Bucshon (R-IN), Rep. Steve Stockman (R-TX), Rep. Dan Lipinski (D-IL), and Mark Takano (D-CA). I have reviewed the QFRs and have assigned the appropriate Office to the questions. I am including the full list so you see what other offices are answering. Let me know if you have a question or if we need to punt a question to another Program or Regional Office.

Deadline: Please get me your draft responses by COB Monday, February 3rd.

OSP Lead:

Hydrofracking-ORD-OSP, Smith Questions 1 thru 13

*Interagency Taskforce Development of Unconventional Natural Gas Resource-OP, ORD-OSP
Stockman Questions*

Credibility of Ability of EPA Science-ORD-OSP, Stockman Questions

EPA Role in Public Confidence-ORD-OSP, Stockman Questions

NCEA Lead:

Ozone-OAR lead – but I think NCEA will want input (Questions 14-15)

Air NAAQS- OAR lead – but think NCEA will want input (Questions 16-22)

IRIS- ORD-NCEA lead, Smith Questions 31 thru 36, and again, Broun, Questions 1-7

Cross Cutting Risk Assessment- ORD-NCEA lead, Smith Questions 37-39

ORD Nominee- ORD-NCEA lead, Smith Question 40

Peer Reviews on Bristol Bay- ORD-NCEA lead, with Region 10 and OW input, Broun Question 14

Bristol Bay- ORD- NCEA, Region 10 and OW: Bucshon Questions 6a – OW and Region 10 lead, 6b – OW, ORD and Region 10, 6c-Region 10, 6d – Region 10 with ORD input

OSA Lead or SAB lead:

Grant Funds and Conflict of Interest- ORD-OSA lead, Smith Questions 41 - 45

Data Transparency-ORD-OSA lead, Smith Questions 46-50

CSAC- SAB and ORD-OSA, Stockman Questions

Other EPA Program Offices:

Environmental Health Claims-OAR

New Source Pollution-OAR

Economic Modeling-OP

Sue and Settle-OGC

Tier 3- OAR

Questions Relating to the use of Old Cohort Data- OAR lead

ERDDA-OGC

Utility Mact –Air Quality-OAR

Climate Regulations-OAR

Definition of Fill Material-OW

Water Quality Criteria- OW

Selenium Water Quality-OW

Court Cases- OGC

Lipinski Questions-OGC Question 1, OCSPP, Question 2

Takano Questions-SAB Question 1, OW, Question2

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Congressional Liaison

Office of Research and Development

US Environmental Protection Agency